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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,179	02/25/2005	Ralf Widera	520.1045	4000

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EXAMINER	
LIN, WEN TAI	
ART UNIT	PAPER NUMBER
2454	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/507,179	WIDERA ET AL.	
	Examiner	Art Unit	
	Wen-Tai Lin	2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *1/26/09*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13-15,18-23 and 29-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *13-15, 18-23 and 29-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 13-15, 18-23 and 29-31 are presented for examination.

2. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

Claim Rejections - 35 USC § 103

3. Claims 13-15, 18-23 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mimura et al. [U.S. Pat. No. 6847613].

4. Mimura was cited as one of the prior art in the previous office action.

5. As to claim 13, Mimura teaches the invention as claimed including: a method for transmitting measured information from a measuring computer [e.g., any of 33 or 34, Fig. 3] to a control computer of a measuring system [e.g., 37, Fig. 3], the measuring computer and the control computer being interconnected via a telecommunications network [Abstract; col. 8, lines 5-21], the method comprising:

transmiting a plurality of measurement packets from a sending measuring computer to the measuring computer over a measurement path so as to provide measured data including a

plurality of respective one-way delay measurements of the measurement path [e.g., col. 7, lines 21-29; col. 1, lines 23-32];

combining the measured data into an aggregation of characteristic values having a lower volume than the measured data [e.g., statistic values; Figs. 5 and 7-11], the characteristic values such as maximum, mean, and minimum usage bandwidth and time stamping the start, end and duration of a routing path [78-79, Fig. 7];

associating the characteristic values with a time of the combining [e.g., col.7, lines 21 - 29]; and

transmitting the characteristic values from the measuring computer to the control computer [Fig.3; col. 9, lines 9-12 and 51-56].

Mimura is silent obtaining at least two of a mean one-way delay, a mean one-way path delay, and a maximum one-way delay as aggregation of characteristic values. However, it is well known that a one-way path delay can be derived by time stamping the start, end and the duration of packets routed along the path [e.g., col.1, lines 18-28; col. 14, lines 51-56]. Further, it is also well understood that, due to the stochastic nature of network traffic, instantaneous network parameter values fluctuate and traditionally it characterizes the network parameters better in terms of statistical values by taking the mean, minimum and maximum of a group of measurements.

As such, it would have been obvious to one of ordinary skill in the art to have used the mean and minimum-maximum to characterize Mimura's one-way path delay measurements because: (1) it is more useful to represents the varying behavior of the path delay over a period of

time; and (2) Mimura already teaches using the same statistics to describe the bandwidth of a path (as shown in 78, Fig. 7).

6. As to claim 14, Mimura further teaches that the telecommunications network includes at least one of an internet and an intranet [e.g., col. 1, lines 5-16].

7. As to claim 15, Mimura further teaches that the measured data includes a plurality of measurement parameters, and wherein the combining is performed according to the respective measurement parameters, [e.g., col. 6, line 65 – col. 7, line 29].

8. As to claim 18, Mimura further teaches that the method further comprises determining a time interval for combining the measured data as a function of a measuring method [e.g., col. 12, lines 3 – 8; i.e., all the measured statistics data are obtained from a time interval marked as "interval" in 79 of Fig.7].

9. As to claim 19, Mimura further teaches that the measuring system includes a second measuring computer and wherein measurement packets are transmitted between measuring computer and the second measuring computer [e.g., 33-34, Fig. 7; i.e., since packets travels between nodes 33 and 34 of Fig.3: if node 34 is the measuring computer, then node 33 is the second computer; likewise the reverse is true].

10. As to claim 20, Mimura further teaches that the measurement packets include User Datagram Protocol measurement packets [e.g., col. 12, lines 17-24].

11. As to claim 21, Mimura further teaches that the characteristic values include a sum of all packets lost and a maximum of all successively occurring packet losses, and further comprising determining the sum of all packets lost and the maximum of all successively occurring packet losses during a detection of measurement packet losses in a time interval [e.g., 77, Fig. 7; col. 14, lines 38-56].

12. As to claims 22-23, and 29-31, since the features of these claims can also be found in claims 13-15 and 19, they are rejected for the same reasons set forth in the rejection of claims 13-15 and 19 above.

13. Applicant's arguments with respect to claims 13-15, 18-23 and 29-31 on 9/12/08 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially

teaching all or part of the claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571)272-1915. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(571) 273-8300 for official communications; and

(571) 273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

March 15, 2009

/Wen-Tai Lin/

Primary Examiner, Art Unit 2454